

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIE E. BARFIELD,	)	8:07CV408
	)	
Plaintiff,	)	MEMORANDUM
v.	)	AND ORDER
	)	
NEW BIRTH HOME,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. In an order on initial review entered on October 30, 2007, the court gave the pro se plaintiff “until December 31, 2007, to file an amended complaint that is brought on behalf of the Estate of Annette Barfield, Deceased, by a duly appointed personal representative (whether the current plaintiff or someone else).” (Filing 6.) Upon further consideration, the court has determined that the order is improper insofar as it might permit the bringing of an action by a non-attorney personal representative who appears pro se. This has been held to constitute the unauthorized practice of law. *See, e.g., Waite v. Carpenter*, 1 Neb. App. 321, 496 N.W.2d 1 (1992). Therefore, the court’s previous order will be modified to specify that any amended complaint filed by a personal representative must be signed by an attorney.

IT IS ORDERED that:

1. Paragraph 1 of the court’s order entered on October 30, 2007 (filing 6), is hereby withdrawn and replaced by the following language:

“The plaintiff shall have until December 31, 2007, to file an amended complaint that is brought on behalf of the Estate of Annette Barfield, Deceased, by a duly appointed personal representative (whether the

current plaintiff or someone else). The amended complaint must be signed by an attorney.”

2. In all other respects, the previous order shall remain unchanged.

October 31, 2007.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge